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RON COMINGDEER
KENDALL W. PARRISH

April 28, 2016

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DS 20554

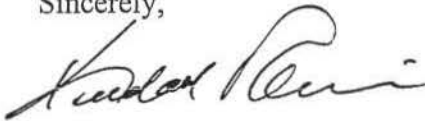
Re: WC Docket No. 10-90
Comments of Beggs Telephone Company Challenging the Commission's
Competitive Coverage Designation

Dear Ms. Dortch:

Beggs Telephone Company ("Beggs") submits the attached Comments challenging the Commission's competitive coverage designation pursuant to the *Report and Order*, *Order and Order on Reconsideration*, and *Further Notice of Proposed Rulemaking*, WC Docket No. 10-90, WC Docket No. 14-58, CC Docket No. 01-92, FCC 16-33, ¶ 71, Rel. March 30, 2016, and the Public Notice, WC Docket No. 10-90, DA 16-378, Rel. April 7, 2016. For the reasons contained in these Comments, Beggs challenges the Commission's competitive coverage designation because the designation as to certain census blocks within Beggs' study area reflects erroneous information from providers' Form 477s and thus, includes providers that do not fall within the Commission's definition of unsubsidized competitor.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,



Kendall Parrish
For the firm

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	
Developing a Unified Inter-carrier Compensation Regime)	CC Docket No. 01-92
)	

**COMMENTS OF BEGGS TELEPHONE COMPANY
CHALLENGING THE COMMISSION'S
COMPETITIVE COVERAGE DESIGNATION**

Beggs Telephone Company, by and through its attorneys, submits this challenge to the Commission's competitive coverage designation pertaining to the Alternative Connect America Cost Model Version 2.2 and Illustrative Results released April 7, 2016. The challenge is being submitted pursuant to the *Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking*, WC Docket No. 10-90, WC Docket No. 14-58, CC Docket No. 01-92, FCC 16-33, ¶ 71, Rel. March 30, 2016, and the Public Notice, WC Docket No. 10-90, DA 16-378, Rel. April 7, 2016. For the reasons contained herein, Beggs challenges the Commission's competitive coverage designation because the designation as to certain census blocks within Beggs' study area reflects erroneous information from providers' Form 477s and includes providers that do not fall within the Commission's definition of unsubsidized competitor.

Beggs Telephone Company ("Beggs") is a rural incumbent local exchange carrier providing wireline telecommunications services including local exchange telecommunications services, exchange access services and broadband

telecommunications services within its study area in the State of Oklahoma. Beggs operates its wireline facilities and provides the aforementioned services pursuant to a certificate of convenience and necessity issued by the Oklahoma Corporation Commission. There is one municipality in Beggs' study area, the Town of Beggs, which has approximately 1,255 residents or approximately 502 households. *City-Data.com*, Beggs, Oklahoma, accessed April 27, 2016. The Beggs study area is located within Okmulgee County and Creek County in the state of Oklahoma. A map depicting the Beggs telephone exchange is attached hereto as Exhibit A which further describes the census blocks within Beggs' study area as well as the broadband coverage by Beggs and the contested designations described more fully herein.

The Commission's competitive coverage designation resulting from its use of June 2015 Form 477 data released April 7, 2016, is in error. Upon review of the Commission's June 2015 Form 477 data, Beggs has identified the census blocks depicted in Exhibit A which erroneously describe an unsubsidized competitor providing facilities-based residential fixed broadband service at the Commission's minimum broadband speed of 10/1 Mbps in certain census blocks within Beggs' study area. For the reasons discussed with respect to each provider below, the Commission should rescind its competitive services designation for these census blocks.

The Form 477 data submitted by Bixby Telephone Company with respect to these census blocks is in error. Bixby Telephone Company is not providing facilities-based, residential fixed broadband service in these census blocks. *See*, Affidavit of Dr. Kay H. Mount attached hereto as Exhibit B. Beggs acknowledges that Bixby Telephone Company, through its wholly-owned subsidiary, BTC Broadband, Inc., is providing

point-to-point broadband Internet access service to Beggs Public Schools under federal E-rate rules in one of the identified census blocks. In addition, Beggs acknowledges that with respect to another small census block located within the city limits of the town of Beggs, Beggs Telephone Company leases a wholesale broadband connection from BTC Broadband that provides Beggs connectivity to its Level 2 Internet access provider. BTC provides no other services within Beggs' study area. Neither the business service to the school nor the wholesale Internet access service purchased by Beggs is a residential fixed broadband service under the Commission's definition. Thus, the services have been incorrectly identified by Bixby Telephone Company in its Form 477 and should not be included in the Commission's analysis of the presence of an unsubsidized competitor since Bixby is not providing residential fixed broadband service. Bixby Telephone Company is not an unsubsidized competitor as defined in Commission rules and therefore should be excluded from consideration for competitive purposes.

Beggs' study area also includes a census block that straddles both Beggs' ILEC study area and Bixby Telephone Company's ILEC study area. In particular, the subject census block straddles a telephone exchange dividing line that pre-dates the use of census blocks by the Commission. The Oklahoma Corporation Commission granted a certificate of convenience and necessity to Beggs to serve the westernmost part of this census block and granted a certificate of convenience and necessity to Bixby Telephone Company to serve the eastern portion of the census block. Under Oklahoma law and Oklahoma Corporation Commission rules, Bixby Telephone Company does not have authority to provide voice services in the portion of the census block that lies within Beggs' telephone exchange and vice versa. Thus, while Bixby Telephone Company may provide

residential fixed broadband service within its telephone exchange portion of the identified census block, it does not provide such services within Beggs' portion of the census block. Therefore, due to the arbitrary size of the census block which fails to consider historical telephone exchange boundaries, the designation of each incumbent local exchange carrier as having competitive coverage in the other's telephone exchange is false and misleading. This inherent error in the use of census blocks should be considered by the Commission and the results it produces should be rejected by the Commission.

Based on the services provided by Bixby Telephone Company in the census blocks described above and depicted on Exhibit A, its Form 477 data is in error to the extent that Bixby Telephone Company does not provide residential fixed voice and broadband service in either census block. As such, Bixby Telephone Company does not meet the Commission's definition of unsubsidized competitor found in 47 C.F.R. § 54.5. Beggs has discussed with Bixby the filing of a corrected Form 477 to reflect this error, but the updated information was not available at the time of this filing.

Beggs also believes Form 477 data submitted by Vyve Broadband is in error. Specifically, the Commission's competitive designation erroneously identifies nearly a dozen census blocks purportedly being provided facilities-based residential fixed broadband services at the Commission's designated broadband speed by Vyve Broadband. See Exhibit A. Vyve Broadband provides no services within Beggs's study area. See Exhibit B. In addition, based on data retrieved from the FCC's COALS database, Vyve Broadband does not identify that it is licensed to provide multichannel video services in Beggs, Oklahoma, or anywhere in Okmulgee county for that matter. See Exhibit C. Moreover Vyve Broadband has no facilities in the identified census

blocks. See Exhibit B. Therefore, the data reported by Vyve Broadband in its Form 477 is incorrect and should be excluded from consideration under the Commission's unsubsidized competitor test. Vyve Broadband is not an unsubsidized competitor as defined in Commission rules and therefore should be excluded from consideration for competitive purposes.

Beggs also believes Form 477 data submitted by Suddenlink is in error. Specifically, the Commission's competitive designation erroneously identifies census blocks purportedly being provided facilities-based residential fixed broadband services at the Commission's designated broadband speed by Suddenlink. See Exhibit A. Suddenlink provides no services within Beggs's study area. See Exhibit B. In addition, based on data retrieved from the FCC's COALS database, Suddenlink does not identify that it is licensed to provide multichannel video services in Beggs, Oklahoma, or anywhere in Okmulgee county for that matter. See Exhibit D. Moreover Suddenlink has no facilities in the identified census blocks. See Exhibit B. Therefore, the data reported by Suddenlink in its Form 477 is incorrect and should be excluded from consideration under the Commission's unsubsidized competitor test. Suddenlink is not an unsubsidized competitor as defined in Commission rules and therefore should be excluded from consideration for competitive purposes

For the foregoing reasons, Beggs Telephone Company challenges the Commission's designation of competitive coverage with respect to the census blocks erroneously identified by the aforementioned providers and as depicted on Exhibit A; therefore, Beggs respectfully requests that the Commission rescind its competitive

coverage designation with respect to these providers and the census blocks which they have erroneously identified.

Respectfully submitted,

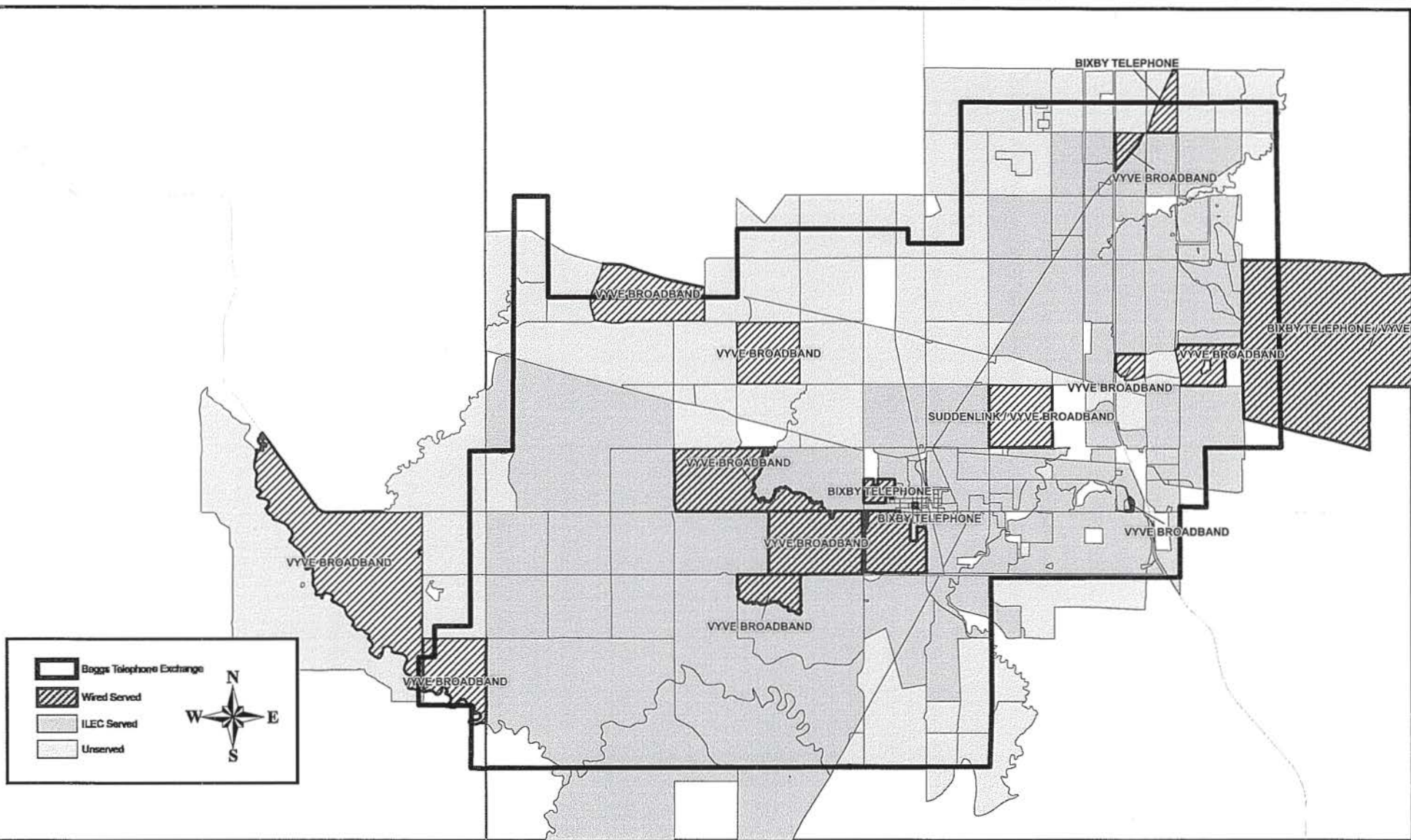
BEGGS TELEPHONE COMPANY

By: 

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KENDALL PARRISH, OBA#15039
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kparrish@comingdeerlaw.com

EXHIBIT A

STUDY AREA MAP



BEGGS TELEPHONE COMPANY : ACAM 2.2 Report Version 6.0
Blocks Served/Unserved with Wired Competitors Listed

EXHIBIT B

AFFIDAVIT IN SUPPORT OF CHALLENGE

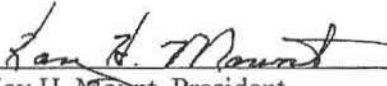
AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKMULGEE)

Dr. Kay H. Mount, being duly sworn, deposes and says that:

1. I am the President and owner of Beggs Telephone Company.
2. Beggs Telephone Company is an incumbent local exchange carrier with facilities in parts of Okmulgee and Creek counties in the State of Oklahoma and providing telecommunications services to customers in the Beggs, Oklahoma area pursuant to a Certificate of Convenience and Necessity granted by the Oklahoma Corporation Commission.
3. I have reviewed the Form 477 data compiled by the FCC with respect to providers of facilities-based, residential fixed broadband services in census blocks in which Beggs Telephone Company provides broadband telecommunications services.
4. The designation of Bixby Telephone Company as a competing provider of facilities-based, residential fixed broadband services in Beggs' study area based on Form 477 data applicable to Beggs' study area is incorrect. To my knowledge and belief, Bixby Telephone Company, through its wholly-owned subsidiary, BTC Broadband, Inc., only provides broadband Internet access service to Beggs Public Schools and a wholesale broadband connection to Beggs Telephone Company connecting it to Beggs' Internet service provider. To my knowledge and belief, Bixby Telephone Company does not provide any facilities-based, fixed residential broadband services within Beggs' study area.
5. The designation of Vyve Broadband as a competing provider of facilities-based residential fixed broadband services in Beggs' study area based on Form 477 data applicable to Beggs' study area is incorrect. To my knowledge and belief, Vyve Broadband has no facilities within the Beggs study area and does not offer facilities-based, residential fixed voice and broadband to any customers in the Beggs study area.
6. The designation of Suddenlink as a competing provider of residential fixed broadband services in Beggs' study area based on Form 477 data applicable to Beggs' study area is incorrect. To my knowledge and belief, Suddenlink has no facilities within the Beggs study area and does not offer facilities-based, residential fixed voice and broadband to any customers in the Beggs study area.

FURTHER AFFIANT SAYETH NOT.



Dr. Kay H. Mount, President

Subscribed to before me on the 27th day of April, 2016.

Rachel N. Creason
Notary Public

My Commission Expires:

6-21-18



EXHIBIT C

FCC COALS DATABASE INFORMATION

VYVE BROADBAND



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Company Name: VYVE BROADBAND A, LLC

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PSID	Community Unit	County Name	Community Name	Legal Name
000422	OK0113	KIOWA	SNYDER	VYVE BROADBAND A, LLC 1819 AIRPORT DRIVE SHAWNEE, OK, 74804
000427	OK0015	PITTSBURG	HARTSHORNE	VYVE BROADBAND A, LLC
	OK0030	PITTSBURG	HAILEYVILLE	VYVE BROADBAND A, LLC
000443	OK0045	HUGHES	HOLDENVILLE	VYVE BROADBAND A, LLC
001360	OK0191	OKFUSKEE	OKEMAH	VYVE BROADBAND A, LLC
001591	OK0038	PITTSBURG	KREBS	VYVE BROADBAND A, LLC
	OK0039	PITTSBURG	MCALESTER	VYVE BROADBAND A, LLC
	OK0273	PITTSBURG	ALDERSON	VYVE BROADBAND A, LLC
	OK0402	PITTSBURG	PITTSBURG	VYVE BROADBAND A, LLC
002796	OK0007	KAY	NEWKIRK	VYVE BROADBAND A, LLC
003208	OK0093	OSAGE	PAWHUSKA	VYVE BROADBAND A, LLC
	OK0339	OSAGE	PAWHUSKA	VYVE BROADBAND A, LLC



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State: Filing Types: Start Date: End Date:

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PSID	Community Unit	County Name	Community Name	Legal Name
003482	OK0002	TEXAS	GUYMON	VYVE BROADBAND A, LLC
003713	OK0057	MAYES	PRYOR CREEK	VYVE BROADBAND A, LLC
	OK0455	MAYES	MAYES	VYVE BROADBAND A, LLC
006415	OK0323	CREEK	MOUNDS	VYVE BROADBAND A, LLC
006416	OK0372	SEQUOYAH	GORE	VYVE BROADBAND A, LLC
	OK0373	SEQUOYAH	GORE	VYVE BROADBAND A, LLC
	OK0377	MUSKOGEE	WEBBERS FALLS	VYVE BROADBAND A, LLC
006417	OK0374	MUSKOGEE	PORUM	VYVE BROADBAND A, LLC
006473	OK0215	ROGERS	CHELSEA	VYVE BROADBAND A, LLC
	OK0245	DELAWARE	MONKEY ISLE	VYVE BROADBAND A, LLC
	OK0337	DELAWARE	GROVE	VYVE BROADBAND A, LLC
	OK0367	MAYES	SPAVINAW	VYVE BROADBAND A, LLC
	OK0408	DELAWARE	BERNICE	VYVE BROADBAND A, LLC
	OK0411	ROGERS	CHELSEA	VYVE BROADBAND A, LLC
	OK0418	OTTAWA	FAIRLAND	VYVE BROADBAND A, LLC



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007459	OK0419	CRAIG	KETCHUM	VYVE BROADBAND A, LLC
	OK0420	MAYES	LANGLEY	VYVE BROADBAND A, LLC
	OK0421	OTTAWA	AFTON	VYVE BROADBAND A, LLC
	OK0462	DELAWARE	GRAND LAKE (W SHORE)	VYVE BROADBAND A, LLC
	OK0578	MAYES	STRANG	VYVE BROADBAND A, LLC
	OK0625	DELAWARE	DUCK CREEK	VYVE BROADBAND A, LLC
007472	OK0089	MUSKOGEE	FORT GIBSON	VYVE BROADBAND A, LLC
	OK0388	WAGONER	OKAY	VYVE BROADBAND A, LLC
007482	OK0412	COMANCHE	CACHE	VYVE BROADBAND A, LLC
	OK0413	COMANCHE	INDIAHOMA	VYVE BROADBAND A, LLC
	OK0638	COMANCHE	PECAN VALLEY	VYVE BROADBAND A, LLC
007484	OK0058	MCINTOSH	EUFULA	VYVE BROADBAND A, LLC
	OK0084	MCINTOSH	CHECOTAH	VYVE BROADBAND A, LLC
	OK0616	MCINTOSH	EUFULA	VYVE BROADBAND A, LLC
	OK0626	MCINTOSH	MCINTOSH	VYVE BROADBAND A, LLC
007491	OK0127	PITTSBURG	QUINTON	VYVE BROADBAND A, LLC
	OK0491	HASKELL	KINTA	VYVE BROADBAND A, LLC



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	OK0359	HASKELL	WHITEFIELD	VYVE BROADBAND A, LLC
	OK0360	HASKELL	HASKELL	VYVE BROADBAND A, LLC
008648	OK0161	POTTAWATOMIE	SHAWNEE	VYVE BROADBAND A, LLC
	OK0182	LINCOLN	PRAGUE	VYVE BROADBAND A, LLC
	OK0183	POTTAWATOMIE	MCCLOUD	VYVE BROADBAND A, LLC
	OK0217	POTTAWATOMIE	TECUMSEH	VYVE BROADBAND A, LLC
	OK0263	POTTAWATOMIE	POTTAWATOMIE	VYVE BROADBAND A, LLC
	OK0350	LINCOLN	MEEKER	VYVE BROADBAND A, LLC
	OK0598	POTTAWATOMIE	EARLSBORO	VYVE BROADBAND A, LLC
	OK0617	POTTAWATOMIE	BETHEL ACRES	VYVE BROADBAND A, LLC
	OK0647	POTTAWATOMIE	DALE	VYVE BROADBAND A, LLC
008662	OK0189	LE FLORE	PANAMA	VYVE BROADBAND A, LLC
	OK0190	LE FLORE	SHADY POINT	VYVE BROADBAND A, LLC
008945	OK0288	TEXAS	GOODWELL	VYVE BROADBAND A, LLC
009927	OK0365	CREEK	KELLYVILLE	VYVE BROADBAND A, LLC
010457				



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Company Name: VYVE BROADBAND A, LLC

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PSID	Community Unit	County Name	Community Name	Legal Name
010828	OK0330	LINCOLN	CHANDLER	VYVE BROADBAND A, LLC
011168	OK0218	CREEK	BRISTOW	VYVE BROADBAND A, LLC
011351	OK0329	LINCOLN	STROUD	VYVE BROADBAND A, LLC
	OK0424	PITTSBURG	KIOWA	VYVE BROADBAND A, LLC
	OK0425	PITTSBURG	SAVANNA	VYVE BROADBAND A, LLC
	OK0766	PITTSBURG	PITTSBURG	VYVE BROADBAND A, LLC
012707	OK0442	GARVIN	STRATFORD	VYVE BROADBAND A, LLC
013665	OK0526	LOGAN	LANGSTON	VYVE BROADBAND A, LLC
013700	OK0472	KIOWA	MOUNTAIN PARK	VYVE BROADBAND A, LLC
013900	OK0544	MUSKOGEE	BRAGGS	VYVE BROADBAND A, LLC
014637	OK0595	HUGHES	STUART	VYVE BROADBAND A, LLC
	OK0596	HUGHES	ARPELAR	VYVE BROADBAND A, LLC



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State: Oklahoma ▼

Community Name:

County Name:

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	OK0522	CREEK	DEPEW	VYVE BROADBAND A, LLC
015937	OK0481	WAGONER	WHITEHORN COVE ET AL	VYVE BROADBAND A, LLC
016703	OK0375	SEQUOYAH	VIAN	VYVE BROADBAND A, LLC
	OK0376	SEQUOYAH	VIAN	VYVE BROADBAND A, LLC
020324	OK0021	LATIMER	WILBURTON	VYVE BROADBAND A, LLC
	OK0466	LATIMER	RED OAK	VYVE BROADBAND A, LLC
	OK0712	LATIMER	WILBURTON RURAL	VYVE BROADBAND A, LLC
020326	OK0410	ADAIR	STILWELL	VYVE BROADBAND A, LLC
020704	OK0321	COMANCHE	GERONIMO	VYVE BROADBAND A, LLC
021575	OK0267	MAYES	CHOUTEAU	VYVE BROADBAND A, LLC
	OK0268	ROGERS	INOLA	VYVE BROADBAND A, LLC
	OK0296	MAYES	SALINA	VYVE BROADBAND A, LLC
	OK0299	MAYES	LOCUST GROVE	VYVE BROADBAND A, LLC



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015937	OK0522	CREEK	DEPEW	VYVE BROADBAND A, LLC
	OK0481	WAGONER	WHITEHORN COVE ET AL	VYVE BROADBAND A, LLC
016703	OK0375	SEQUOYAH	VIAN	VYVE BROADBAND A, LLC
	OK0376	SEQUOYAH	VIAN	VYVE BROADBAND A, LLC
020324	OK0021	LATIMER	WILBURTON	VYVE BROADBAND A, LLC
	OK0466	LATIMER	RED OAK	VYVE BROADBAND A, LLC
	OK0712	LATIMER	WILBURTON RURAL	VYVE BROADBAND A, LLC
020326	OK0410	ADAIR	STILWELL	VYVE BROADBAND A, LLC
020704	OK0321	COMANCHE	GERONIMO	VYVE BROADBAND A, LLC
021575	OK0267	MAYES	CHOUTEAU	VYVE BROADBAND A, LLC
	OK0268	ROGERS	INOLA	VYVE BROADBAND A, LLC
	OK0296	MAYES	SALINA	VYVE BROADBAND A, LLC
	OK0299	MAYES	LOCUST GROVE	VYVE BROADBAND A, LLC
	OK0463	MAYES	LOCUST GROVE	VYVE BROADBAND A, LLC
	OK0464	MAYES	SALINA	VYVE BROADBAND A, LLC

EXHIBIT D

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State: Oklahoma

Community Name:

County Name: OKMULGEE

Company Name:

☐ (Check this box for wildcards on Company Name)

Login with COALS Id: _____

State: _____

Filing Types: _____

Start Date: _____

End Date: _____

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PSID	Community Unit	County Name	Community Name	Legal Name
002654	OK0079	OKMULGEE	HENRYETTA	CEBRIDGE ACQUISITION, L.P. 520 MARYVILLE CENTRE DRIVE SUITE 300 ST. LOUIS, MO, 63141
	OK0090	OKMULGEE	OKMULGEE	CEBRIDGE ACQUISITION, L.P.
	OK0394	OKMULGEE	DEWAR	CEBRIDGE ACQUISITION, L.P.
	OK0538	OKMULGEE	OKMULGEE	CEBRIDGE ACQUISITION, L.P.
NCID's	OKA001	PINEHURST APARTMENTS 168 W. 91ST & 73 W. AVE SAPULAPA, OK 74066		SOUTHWESTERN BELL VIDEO SERVICES 2600 N. CENTRAL EXPRESSWAY RICHARDSON, TX, 75080
	OKA002	TULSA		EASYTEL COMMUNICATIONS CARRIER CORP. 7335 S. Lewis Ave., Suite 100 Tulsa, OK, 74136
	OKA003	CIMARRON CORRECTIONAL FACILITY		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA004	JOSEPH HARP CORRECTIONAL CENTER		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA005	OKLAHOMA STATE REFORMATORY		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA006	LAWTON CORRECTIONAL FACILITY		FRIENDSHIP CABLE OF TEXAS, INC.



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Physical System Id:

State: **Oklahoma**

Community Name:

County Name: OKMULGEE

Company Name:

☐ (Check this box for wildcards on Company Name)

Login with COALS Id:

State: **▼**Filing Types: **▼**Start Date: End Date:

 Use This Side to
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Start »

PSID	Community Unit	County Name	Community Name	Legal Name
	OK0090	OKMULGEE	OKMULGEE	ST. LOUIS, MO, 63141
	OK0394	OKMULGEE	DEWAR	CEBRIDGE ACQUISITION, L.P.
	OK0538	OKMULGEE	OKMULGEE	CEBRIDGE ACQUISITION, L.P.
NCID's	OKA001	PINEHURST APARTMENTS 168 W. 91ST & 73 W. AVE SAPULAPA, OK 74066		SOUTHWESTERN BELL VIDEO SERVICES 2600 N. CENTRAL EXPRESSWAY RICHARDSON, TX, 75080
	OKA002	TULSA		EASYTEL COMMUNICATIONS CARRIER CORP. 7335 S. Lewis Ave., Suite 100 Tulsa, OK, 74136
	OKA003	CIMARRON CORRECTIONAL FACILITY		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA004	JOSEPH HARP CORRECTIONAL CENTER		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA005	OKLAHOMA STATE REFORMATORY		FRIENDSHIP CABLE OF TEXAS, INC. 6151 Paluxy Drive Tyler, TX, 75703
	OKA006	LAWTON CORRECTIONAL FACILITY		FRIENDSHIP CABLE OF TEXAS, INC.
	OKA007	LEXINGTON A&R CENTER		FRIENDSHIP CABLE OF TEXAS, INC.
	OKA008	W. S. KEY CORRECTIONAL CENTER		FRIENDSHIP CABLE OF TEXAS, INC.